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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,823	02/20/2002	Dennis Colditz	24-NS-120748	7483

23465 7590 09/17/2002

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EXAMINER	
PALABRICA, RICARDO J	
ART UNIT	PAPER NUMBER

3641

DATE MAILED: 09/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Offic Action Summary</b>	<b>Applicati n N .</b>	<b>Applicant(s)</b>
	09/683,823	COLDITZ ET AL.
	Examiner Rick Palabrica	Art Unit 3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 August 2002.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 9,10,19,20,22,29,30 and 32 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8,11-18,21,23-28,31 and 32 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

1. Applicant's election with traverse of species A, circular access opening, and steel for servicing platform material in Paper No. 6, dated 8/30/2002, is acknowledged.

Applicant identified claims 1-8, 11-18, 21, 23-28, 31 and 33 as readable upon said species. This amendment is in response to Office Action dated 8/5/02.

2. Applicant's traversal of the species election requirement was on the grounds that the species are "related." Applicant also alleged that a search and examination of all claims would not place a serious burden on the examiner.

These reasons are not found persuasive because species belonging to one genus are related but it does not follow that they are not patentably distinct. Also, contrary to the requirement in said Office Action, applicant did not submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on record that this is the case. Also, contrary to applicant's allegation, each of the identified species would require a separate search in view of their mutually exclusive characteristics, and these individual searches would not be co-extensive.

The restriction requirement is still deemed proper and is therefore made **FINAL**.

***Specification***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. The specification is objected to under 35 U.S.C. 112, first paragraph, as failing to provide an adequate written description of the invention and as failing to adequately teach how to make and/or use the invention, i.e., failing to provide an enabling disclosure.

The claimed invention is an apparatus and method for servicing a nuclear reactor during a reactor outage.

However, there is no adequate or enabling disclosure of how such could be accomplished using the applicant's invention.

On page 3, paragraph 0016, the applicant discloses that the servicing platform has a modular design with major components sized for transport to a reactor refuel floor through the equipment hatch. There is neither an adequate description nor enabling disclosure as to how and in what manner said modularity in the design is so achieved, i.e., the basic "modules" are not identified and the exact manner of assembly (or disassembly) of these modules into a single unit (or component parts) is not described. Also, the disclosure is insufficient as to what exactly are these "major components."

Claim 12 recites the limitation of at least one lifting device being movably coupled to the frame and movable along the perimeter of said access opening. The disclosure is insufficient as to how exactly said lifting device is so coupled to the frame and made movable along said opening.

***Claim Rejections - 35 USC § 112***

4. Claims 1-8, 11-18, 21, 23-28, 31 and 33 are rejected under 35 U.S.C. 112, first paragraph, for the reasons set forth in the objection to the specification in section 3 above.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-8, 11-18, 21, 23-28, 31 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Toshiba (JP 7-113896). Toshiba discloses a service platform for a boiling water reactor that has a rotary frame of smaller diameter than the inside

diameter of the reactor well. The frame travels along a circular rail on the cover of the reactor well.

Applicant's claims read on Figs. 1-8 of Toshiba as follows: a) "frame" reads on structure 11; b) "support structure" reads on structure 2a; c) "floor covering said frame" reads on structure 12; d) "reactor access opening" reads on circular opening within structure 12, said opening defining the structure and work area that provides access to the reactor pressure vessel; e) "auxiliary platform" reads on platform 15.; f) "safety rail around the outer perimeter of the floor" reads on rails 1a; g) "lifting device" reads on hoist 17; h) "safety rail around the perimeter of access opening" reads on the walls of platform 15. Note that auxiliary platform 15 is movable around the access opening. Also, it is inherent that this platform is made of high strength and rigidity material, such as steel, in view of the massive weight of this structure.

6. Claims 1, 4, 6-8, 12, 13, 16-18, 21, 27, 28, 31and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by either one of Forner et al. (U.S. 4,639,351) or Yoshigawa (Sho 57[1982]-161273).

Forner et al. disclose a repair device for a reactor pressure vessel. Applicant's claims read on Figs. 1 of Forner et al. as follows: a) "frame" reads on structure enclosed by floor 6; b) "support structure" reads on the vertical structures that is shown supporting the floor 6 c) "floor covering said frame" reads on the covering of structure 6; d) "reactor access opening" reads on circular opening of floor 6 penetrated by standpipe 10, said circular opening provides access by the standpipe to the reactor vessel; f)

"safety rail" rail reads on the rail around floor 6; g) "lifting device" reads on standpipe 10 that is extensible telescopically. Also, it is inherent that this platform is made of high strength and rigidity material, such as steel, in view of the massive weight of this structure.

Yoshigawa discloses an automatic disassembling device for the pressure container of a reactor. Applicant's claims read on Figs. 1and 2 of Yoshigawa as follows: a) "frame" reads on structure that frames moving table 5; b) "support structure" reads on carriage 4 c) "floor covering frame" reads on the covering of table 5; d) "reactor access opening" reads on circular opening of table penetrated by structure 9, said circular opening provides access by cutting equipment 11 into the reactor vessel; f) "safety rail" reads on the rail around table 5; g) "lifting device" reads on hoist 7. Also, it is inherent that this platform be made of high strength and rigidity material, such as steel, in view of the massive weight of this structure.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References B and C further illustrate prior art.
  
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rick Palabrica whose telephone number is 703-306-5756. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703-306-4198. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

RJP  
September 13, 2002.

MICHAEL J. CARONE  
SUPERVISORY PATENT EXAMINER